

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

LARRY KYNE SR.,

Plaintiff,

v.

Civil Action No. 2:07-CV-75

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

**ORDER GRANTING PLAINTIFF'S APPLICATION TO PROCEED IN FORMA
PAUPERIS**

On September 25, 2007, Larry Kyne Sr., ["Claimant"], filed a complaint for review of Defendant's denial of his application for Social Security benefits pursuant to 42 U.S.C. § 405(g) and 42 U.S.C. § 1381(c)(3) and an Application for Leave to Proceed in forma pauperis.

Claimant's application reveals that he is not employed. Within the past twelve months, Claimant has not received any income from settlements, judgements, monetary awards following trial, Social Security, public assistance, workers' compensation, disability payments, a business, profession or other form of self employment, rent payments, interest, dividends, retirement, annuity, pension, insurance payments, gifts or inheritance or any other source. Claimant does not have any money in a savings or checking account and does not own or have any interest in any real estate, stocks, bonds, notes, automobiles or other valuable property. Claimant is supported by his wife, who also supports their daughter and son.

Accordingly, it is ORDERED that Claimant's September 25, 2007 Application to Proceed in forma pauperis is GRANTED. The Clerk of the Court is directed to notify the United States Marshal Service who shall serve process pursuant to Federal Rule of Civil Procedure

4(c)(2). Any recovery in this action will be subject to payment of fees and costs, including service of process fees and the \$350.00 filing fee.

DATED: October 3, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE